IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO. 377 OF 2005.

Dagadu Yashwant Kumbhar ... Petitioner.
Versus.
Balu Ganu Patil and another. ... Respondents.

Shri Siddarth Karpe for the Petitioner.

Shri M.A.Utagikar for the Respondent No.2.

CORAM : ABHAY S.OKA, J.

DATED : 7th June, 2007.

P.C.:

1. The breach alleged in this petition is of order dated 29th August 2001 passed in Writ Petition No.3061 of 2001. By the said order Rule was issued in the said Writ Petition and order of status-quo granted earlier was directed to be continued. The order of status-quo was granted earlier on 20th July 2001. The said order records that the Counsel appearing for the Respondents in the Writ Petition made a statement that the status-quo will be maintained till admission. Clause 2 of the said order records that the Counsel for the Petitioner pointed out that the notice for handing over possession of the land to the Respondents has already been issued. In paragraph 3 of the order dated 20th July 2001, it is stated thus:

> "3. Learned Counsel for the Respondents states that pending admission of this writ

petition, the Respondents will not proceed with the said proceedings before the Awal Karkoon. In view of this statement, S.O.for one week."

It is not clear from the averments made in the petition as to what was the prayer for interim relief made by the Petitioner in the writ petition. It is necessary to ascertain what is the order impugned in the said petition. In fact in view of the order dated 22nd March 2007, the Petitioner was expected to produce the typed copy of the order impugned in Writ Petition No.3061 of 2001. But the same has not been produced.

2. Considering the material on record and the averments made in this petition, it is very difficult to come to the conclusion that there is a deliberate breach on the part of the Respondents of the order of status-quo passed by this Court on 29th August 2001. In view of this position, petition is not entertained. Notice issued to the Respondents is discharged.

Judge.